



**IN THE SPECIAL TRIBUNAL ESTABLISHED IN TERMS OF SECTION 2 (1) OF  
THE SPECIAL INVESTIGATIONS UNIT AND  
SPECIAL TRIBUNALS ACT 74 OF 1996  
(REPUBLIC OF SOUTH AFRICA)**

Before the Honourable **Modiba JP**  
on **24 and 25 April 2023**

Case no. **FS01/2022**

In the matter between:

**SPECIAL INVESTIGATING UNIT**

Applicant

and

**C SQUARED CONSUMER  
CONNECTEDNESS (PTY) LIMITED**

First Respondent

**K2013138175 (SOUTH AFRICA) (PTY) LIMITED**

Second Respondent

**ECKO GREEN ENVIRONMENTAL  
CONSULTING (PTY) LIMITED**

Third Respondent

**MISTRALOG (PTY) LIMITED**

Fourth Respondent

**PUBLIC PROTECTOR**

Fifth Respondent

**MINISTER OF TRANSPORT**

Sixth Respondent

---

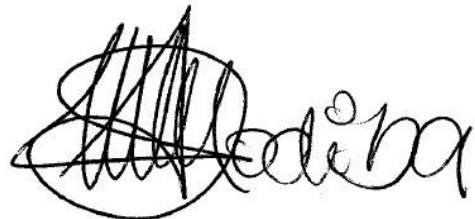
**ORDER IN RESPECT OF THE FOURTH RESPONDENT**

---

**HAVING READ AND CONSIDERED THE PAPERS FILED AND BY AGREEMENT  
BETWEEN THE APPLICANT AND THE FOURTH RESPONDENT, IT IS ORDERED  
THAT:**

1. The decision(s) to award and to enter into the following Covid-19 Personal Protective Equipment (**PPE**) contract(s) (including any and all appointment letter(s), purchase order(s) and renewal(s), extension(s) and addenda to such contract(s)) (**PPE contract(s)**) by the Department of Transport (**Department**) is declared inconsistent with the Constitution of the Republic of South Africa, 1996 (**Constitution**) and invalid:
  - 1.1. The PPE contract(s) entered into with Mistralog (Pty) Limited (**Mistralog**) on 3 April 2020 under Purchase Order No. AI – 236279 valued at R 1 368 000.00.
2. The decision(s) to enter into the PPE contract(s) with Mistralog and the PPE contract(s) between the Department and Mistralog that resulted from such decision(s) are reviewed and set aside.
3. In terms of section 172(1)(b) of the Constitution, Mistralog is directed to repay the Department **R 348 000.00, together with interest thereon**, representing the profit made by Mistralog pursuant to the invalid contract(s), on the following terms:

- 3.1. Mistralog will pay the Department in **12 monthly instalments of not less than R 29 000.00 per month**, with the first payment due within thirty (30) days from the date of this order.
- 3.2. The amount of R 348 000.00 will be subject to the interest rate prescribed under section 80(1)(b) of the Public Finance Management Act, 1999 (Act No. 1 of 1999) ("**PFMA**") as read with Regulation 11.5 of the Treasury Regulations (which is currently prescribed as a rate of 10,75% per annum –GN No. 1731 as published in Government Gazette No. 48402 dated 6 April 2023) from the date of this order until the date of final settlement.
4. There is no order as to costs.

A handwritten signature in black ink, appearing to read 'L.T. Modiba', with a large, stylized circular flourish on the left side.

---

**JUDGE L.T. MODIBA**  
**PRESIDENT OF THE SPECIAL TRIBUNAL**  
**2 MAY 2023**